

STATE OF SOUTH CAROLINA

(Caption of Case)

Application of Brydels Communications, LLC for a Certificate of Public Convenience and Necessary to Provide Resold Interexchange and Local Exchange Telecommunications Services, for Flexible Rate Structure for Local Exchange Service Offering First Approved in in Docket No. 97-467-C, and for Alternative Regulation First Approved in Docket No. 95-661-C

BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

COVER SHEET

DOCKET
NUMBER: 2007 - 362 - C

(Please type or print)
Submitted by: John J. Pringle, Jr.

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NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)

☐ Emergency Relief demanded in petition

☐ Request for item to be placed on Commission's Agenda expeditiously

☐ Other:

INDUSTRY (Check one)

- ☐ Electric
☐ Electric/Gas
☐ Electric/Telecommunications
☐ Electric/Water
☐ Electric/Water/Telecom.
☐ Electric/Water/Sewer
☐ Gas
☐ Railroad
☐ Sewer
☒ Telecommunications
☐ Transportation
☐ Water
☐ Water/Sewer
☐ Administrative Matter
☐ Other: _____

NATURE OF ACTION (Check all that apply)

- | | | |
|--|--|--|
| <input type="checkbox"/> Affidavit | <input type="checkbox"/> Letter | <input type="checkbox"/> Request |
| <input type="checkbox"/> Agreement | <input type="checkbox"/> Memorandum | <input type="checkbox"/> Request for Certification |
| <input type="checkbox"/> Answer | <input type="checkbox"/> Motion | <input type="checkbox"/> Request for Investigation |
| <input type="checkbox"/> Appellate Review | <input type="checkbox"/> Objection | <input type="checkbox"/> Resale Agreement |
| <input type="checkbox"/> Application | <input type="checkbox"/> Petition | <input type="checkbox"/> Resale Amendment |
| <input type="checkbox"/> Brief | <input type="checkbox"/> Petition for Reconsideration | <input type="checkbox"/> Reservation Letter |
| <input type="checkbox"/> Certificate | <input type="checkbox"/> Petition for Rulemaking | <input type="checkbox"/> Response |
| <input type="checkbox"/> Comments | <input type="checkbox"/> Petition for Rule to Show Cause | <input type="checkbox"/> Response to Discovery |
| <input type="checkbox"/> Complaint | <input type="checkbox"/> Petition to Intervene | <input type="checkbox"/> Return to Petition |
| <input type="checkbox"/> Consent Order | <input type="checkbox"/> Petition to Intervene Out of Time | <input type="checkbox"/> Stipulation |
| <input type="checkbox"/> Discovery | <input checked="" type="checkbox"/> Prefiled Testimony | <input type="checkbox"/> Subpoena |
| <input type="checkbox"/> Exhibit | <input type="checkbox"/> Promotion | <input type="checkbox"/> Tariff |
| <input type="checkbox"/> Expedited Consideration | <input type="checkbox"/> Proposed Order | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Interconnection Agreement | <input type="checkbox"/> Protest | |
| <input type="checkbox"/> Interconnection Amendment | <input type="checkbox"/> Publisher's Affidavit | |
| <input type="checkbox"/> Late-Filed Exhibit | <input type="checkbox"/> Report | |

Print Form

Reset Form

ELLIS:LAWHORNE

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December 3, 2007

FILED ELECTRONICALLY AND ORIGINAL VIA 1ST CLASS MAIL SERVICE

The Honorable Charles L.A. Terreni
Chief Clerk
South Carolina Public Service Commission
Post Office Drawer 11649
Columbia, South Carolina 29211

RE: Application of Brydels Communications, LLC for a Certificate of Public Convenience and Necessity to Provide Resold Interexchange and Local Exchange Telecommunications Services and for Flexible Rate Structure for Local Exchange Service Offerings First Approved in Docket No. 97-467-C, and for Alternative Regulation First Approved in Docket 95-661-C
Docket No. 2007-362-C, ELS File No. 1363-11553

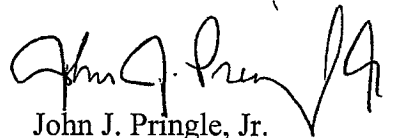
Dear Mr. Terreni:

Enclosed is the original and one copy of the **Testimony of John Brydels, Jr.** filed on behalf of Brydels Communications, LLC in the above-referenced docket.

Please acknowledge your receipt of this document by file-stamping the copy of this letter enclosed, and returning it in the enclosed envelope.

If you have any questions or need additional information, please do not hesitate to contact me.

Very truly yours,



John J. Pringle, Jr.

JJP/cr

cc: Nanette S. Edwards, Esquire/Shealy Boland Reibold (via electronic and 1st class mail service)
John Brydels, Jr. (via 1st class mail service)
Leon Nowalsky, Esquire (via 1st class mail service)

Enclosures

THIS DOCUMENT IS AN EXACT DUPLICATE OF THE E-FILED COPY SUBMITTED TO THE COMMISSION IN ACCORDANCE WITH ITS ELECTRONIC FILING INSTRUCTIONS.

**BEFORE THE
PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA**

DOCKET NO. 2007-362-C

In the Matter of: APPLICATION OF **BRYDELS**)
COMMUNICATIONS, LLC FOR A CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE)
RESOLD INTEREXCHANGE AND LOCAL EXCHANGE)
COMMUNICATIONS SERVICES, FOR FLEXIBLE RATE)
STRUCTURE FOR LOCAL EXCHANGE SERVICE)
OFFERINGS FIRST APPROVED IN DOCKET NO. 97-467-C,)
AND FOR ALTERNATIVE REGULATION FIRST APPROVED)
IN DOCKET NO. 95-661-C)

**TESTIMONY OF JOHN BRYDELS, JR.
ON BEHALF OF
BRYDELS COMMUNICATIONS, LLC**

1 **Q: PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.**

2 A: My name is John Brydels, Jr. and my business address is 549 Kenilworth Pkwy., Baton
3 Rouge, LA 70808.

4 **Q: BY WHOM ARE YOU EMPLOYED AND IN WHAT CAPACITY?**

5 A: I am the President/Managing Member of Brydels Communications, LLC.

6 **Q: IS THE ADDRESS OF THE COMPANY THE SAME AS THAT WHICH YOU**
7 **HAVE JUST SUPPLIED?**

8 A: Yes.

9 **Q: PLEASE DESCRIBE YOUR DUTIES FOR THE COMPANY.**

10 A: I am in charge of overseeing all operations of the Company, as well as acting as liaison
11 with applicable governmental agencies.

1 **Q: COULD YOU PROVIDE A BRIEF BACKGROUND OF YOUR EDUCATION**
2 **AND EXPERIENCE?**

3 A: Yes. I hold a Bachelors of Science in Finance and a Masters Degree in Accounting, both
4 from Louisiana State University and a Master of Business Administration from Yale
5 University School of Management. I am presently a co-owner of Everycall
6 Communications, Inc. which operates as a reseller and facilities-based
7 telecommunications provider in seven (7) states. In addition, from 1984 to 2001 I acted
8 as President and Chief Executive Office of TLC d/b/a Telamerica Long Distance.

9 **Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?**

10 A. The purpose of my testimony is to present evidence describing the technical, managerial
11 and financial fitness of Brydels to provide telecommunications services in South
12 Carolina. This testimony will also describe the services proposed by Brydels and the
13 proposed tariff structure. Finally, the purpose of my testimony is to show that the public
14 interest will be served by approval of the application of Brydels for a certificate of public
15 convenience and necessity.

16 **Q: ARE YOU FAMILIAR WITH THE APPLICATION OF YOUR COMPANY**
17 **SUBMITTED TO THIS COMMISSION AND ALL EXHIBITS ATTACHED**
18 **THERE TO?**

19 A: Yes.

20 **Q: DO YOU RATIFY AND CONFIRM THE STATEMENTS AND**
21 **REPRESENTATIONS MADE IN THAT APPLICATION AND ALL EXHIBITS**
22 **ATTACHED THERETO?**

1 A: Yes.

2 **Q: DO YOU WISH TO INCORPORATE BY REFERENCE ANY DOCUMENTS**
3 **INTO THIS TESTIMONY?**

4 A: Yes. I wish to incorporate by reference the underlying Application filed in this
5 proceeding and its associated exhibits.

6 **Q. HAS BRYDELS REGISTERED TO DO BUSINESS IN SOUTH CAROLINA?**

7 A. Yes. Brydels received foreign corporation authority on November 21, 2006. A copy of
8 the Certificate of Authorization was attached to the Application as Exhibit "C".

9 **Q: PLEASE DESCRIBE THE SERVICES THAT THE COMPANY INTENDS TO**
10 **PROVIDE WITHIN THE STATE OF SOUTH CAROLINA.**

11 A: The company seeks authority to operate as a reseller of postpaid and prepaid
12 interexchange and local exchange services to residential and business customers. Brydels
13 has not installed, nor does it intend to install any transmission facilities or plant in the
14 State of South Carolina. The Company's services are available twenty-four (24) hours per
15 day, seven (7) days a week. Intrastate service is offered in conjunction with interstate
16 service.

17 **Q: WHICH CARRIER WILL SERVE AS THE COMPANY'S UNDERLYING**
18 **CARRIER?**

19 A: The Company's underlying carrier will be BellSouth Telecommunications.

20 **Q: WHAT SERVICES DO THE UNDERLYING CARRIERS PROVIDE TO THE**
21 **COMPANY?**

22 A: The underlying carriers provide all of the facilities over which the Company's resold

1 interexchange and local exchange services are carried.

2 **Q: HOW IS THE RESALE OF SERVICES EFFECTED?**

3 A: The Company purchases service at a discount from the underlying interexchange
4 carrier(s) and then resells the service under its own brand name to the public.

5 **Q. DOES BRYDELS OWN ANY NETWORK SWITCHES OR TRANSMISSION**
6 **FACILITIES USED IN ROUTING CALLS?**

7 A. No. Brydels does not intend to deploy any facilities for provision of service.

8 **Q. HOW WILL BRYDELS BILL FOR ITS SERVICES?**

9 A. Calls are billed directly by the company on a monthly basis.

10 **Q. HOW ARE TROUBLE REPORTS HANDLED?**

11 A. Brydels utilizes a nationwide toll-free number, for customer service. Customers may call
12 1-877-564-7000 8:30 A.M. TO 5:30 P.M. Monday through Friday. The toll-free number
13 is printed on customer billing statements.

14 **Q. HOW ARE BILLING ERRORS AND COMPLAINTS HANDLED?**

15 A. The Customer Service Department is open during normal business hours (8:30 am to 5:30
16 pm, Monday through Friday). Customer service representatives are prepared to respond
17 to a broad range of service matters, including 1) the types of services offered, and the
18 rates associated with such services; 2) monthly billing statements; 3) problems or
19 concerns pertaining to a customer's current service, and 4) general telecommunications
20 matters.

21 **Q: HOW LONG HAS THE COMPANY BEEN IN BUSINESS?**

1 A: Byrdels was organized in the State of Louisiana on February 20, 2003. Byrdels has
2 initiated operations in the State of Kentucky and intends to seek authority in twelve
3 additional states.

4 **Q: DOES THE COMPANY HAVE OFFICES IN SOUTH CAROLINA?**

5 A: No. The company does not intend to have offices in South Carolina. Accordingly, the
6 company requests, pursuant to Commission Rule 103-610, that the Commission authorize
7 the company to keep its books and records at its offices in Louisiana. Upon request, the
8 company will provide such books and records to the Commission and its Staff on an
9 expedited basis and at the company's expense.

10 **Q: ARE YOU FAMILIAR WITH THE TARIFF SUBMITTED AS AN EXHIBIT TO**
11 **THE APPLICATION?**

12 A: Yes.

13 **Q: WAS THE TARIFF PREPARED BY YOU OR UNDER YOUR SUPERVISION?**

14 A: Yes. It was prepared under my supervision.

15 **Q: IN YOUR OPINION, ARE YOUR PROPOSED RATES CONTAINED IN THE**
16 **TARIFF JUST AND REASONABLE?**

17 A: Yes.

18 **Q: WILL THE COMPANY PROVIDE ANY EQUIPMENT OR FACILITIES IN**
19 **CONNECTION WITH ITS SERVICES?**

20 A: No, the Company does not intend to own, operate, control or manage any
21 telecommunications transmission facilities within the State of South Carolina, and does
22 not intend to obtain or construct any such facilities or equipment at this time. However,

1 the Company reserves the right to install its own facilities if and when business
2 conditions warrant, and upon prior approval of the Commission.

3 **Q. DESCRIBE THE PROPOSED SOUTH CAROLINA TARIFFS.**

4 A. Brydels has included proposed interexchange and local exchange tariffs, which contain
5 the rules, regulations and rates for Brydels' services. Brydels proposes to offer prepaid
6 and postpaid resold interexchange and local exchange services to residential and business
7 customers. I believe that Brydel' tariffs will comport with all Orders, Rules and
8 Regulations of the Commission, and Brydels will make all changes suggested by the
9 Commission necessary to comply with all such applicable authority. Should the
10 Application be granted, Brydels plans to commence offering service immediately.

11 **Q. WHAT REGULATORY TREATMENT IS BRYDELS SEEKING IN THIS**
12 **APPLICATION?**

13 A. Brydels requests that the Commission allow it to employ a flexible local exchange rate
14 structure first approved by Order No. 98-165 in Docket No. 97-467-C, and for alternative
15 regulation for its interexchange services in accordance with the principles and procedures
16 established in Orders No. 95-1734 and 96-55 in Docket No. 95-661-C, and as modified
17 by Order No. 2001-997 in Docket No. 2000-407-C. Specifically, Brydels requests that
18 the Commission: a) adopt for local exchange services a competitive rate structure
19 incorporating maximum rate levels with the flexibility for rate adjustment below the
20 maximum rate levels; and b) presume that Brydels' tariff filings for local exchange
21 services be valid upon filing, subject to the Commission's authority, within thirty (30)
22 days, to institute an investigation of such filings. At the discretion of the Commission

1 such filings may be suspended pending further order of the Commission and any such
2 filings may be subject to the same monitoring process as the Commission applies to
3 other, similarly situated carriers.

4 **Q: WHERE DOES THE COMPANY ANTICIPATE OFFERING ITS SERVICES IN**
5 **SOUTH CAROLINA?**

6 A: The Company intends to offer interexchange services on a statewide basis. Local
7 exchange service will be limited to the service territory of BellSouth.

8 **Q: DOES THE COMPANY PROVIDE PAYPHONE SERVICES?**

9 A: No. The Company does not provide payphone services.

10 **Q: HOW WILL THE COMPANY MARKET ITS SERVICES?**

11 A: The Company will market its services by using independent agents and/or in-house sales
12 representatives.

13 **Q: IS THE COMPANY CERTIFIED OR OTHERWISE AUTHORIZED TO**
14 **PROVIDE RESALE SERVICES OF THE TYPE DESCRIBED HEREIN IN ANY**
15 **OTHER STATES?**

16 A: Yes. The Company is certified to provide similar services in the states of Florida,
17 Kentucky, North Carolina, New York and Texas.

18 **Q: IN WHAT OTHER STATES WILL THE COMPANY SEEK WHATEVER**
19 **APPROVALS ARE NECESSARY?**

20 A: Applications are initially being filed in Alabama, Arizona, Arkansas, California, Georgia,
21 Louisiana and New Jersey.

1 **Q: WHY DOES THE COMPANY WANT TO COMMENCE OPERATIONS IN**
2 **SOUTH CAROLINA?**

3 A: The Company is expanding its footprint into the entire BellSouth territory.

4 **Q: IN YOUR OPINION, WHY IS THE COMPANY'S SERVICE IN THE PUBLIC**
5 **INTEREST?**

6 A: Allowing Brydels to provide service within the State of South Carolina promotes
7 competition within the telecommunications industry which has been shown to result in
8 the offering of higher quality services at lower prices.

9 **Q: IS THE COMPANY WILLING AND ABLE TO CONFORM TO THE**
10 **CONSTITUTION AND LAWS OF THE STATE OF SOUTH CAROLINA AND**
11 **TO THE RULES AND REGULATIONS OF THE COMMISSION, UNLESS**
12 **APPLICATION OF SUCH RULES OR REGULATIONS IS SPECIFICALLY**
13 **WAIVED BY THE COMMISSION?**

14 A: Yes.

15 **Q: WILL THE COMPANY FILE ALL APPLICABLE REPORTS AS REQUIRED BY**
16 **THE COMMISSION?**

17 A: Yes. Brydels is aware of the Commission's requirements that all telecommunications
18 carriers file a report on South Carolina operations, a gross receipts report, and a universal
19 service contribution report on an annual basis.

20 **Q. DESCRIBE BRYDELS' FINANCIAL ABILITY TO OPERATE AS A**
21 **TELECOMMUNICATIONS RESELLER.**

22 A. Brydels has a solid financial base from which to begin operation as a provider of

telecommunications services. The affiliate company's financial statements were included in the Application as Exhibit D.

Q: DOES THE APPLICANT POSSESS THE MANAGERIAL AND TECHNICAL QUALIFICATIONS, EXPERIENCE AND PERSONNEL TO PROVIDE THE PROPOSED PUBLIC TELECOMMUNICATIONS SERVICES?

A: Yes. Brydels has a team of experienced managers, as evidenced by the Management Profiles submitted as Exhibit E to the original application. In addition, Brydels' technical capability will be equivalent to that of its underlying carriers which maintain the infrastructure.

Q: BASED ON THE APPLICANT'S EXPERIENCE IN PROVIDING SERVICES, IS IT ECONOMICALLY FEASIBLE FOR APPLICANT TO PROVIDE THE SERVICE PROPOSED IN SOUTH CAROLINA SUCCESSFULLY AND CONTINUOUSLY?

A: Yes.

Q: DOES THIS COMPLETE YOUR TESTIMONY IN SUPPORT OF YOUR APPLICATION?

A: Yes.

Q: WILL YOU REMAIN AVAILABLE TO RESPOND TO ADDITIONAL QUESTIONS FROM THE COMMISSION OR ITS STAFF REGARDING YOUR APPLICATION IF NECESSARY?

A: Yes.